

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 04/05/05 TIME: 8:30 DEPT: B1P

CASE #: BG BS00361

CASE NAME: TODD HINES JR

HEARING:

Hearing Re: STATUS REPORT/ACCOUNTING.

COUNSEL:

DAWN HINES (PET)...JOHN F WEBER

TODD HINES JR (MIN)...

GENERAL INFORMATION: covers 12-9-03 through 12-16-04.

THIS CASE IS SET FOR HEARING ON first account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal incorrectly indicated that the estate contains a ½ interest in real property. This asset is still in the probate estate of the deceased father and should not have been included. The asset will come into the estate upon the closing of the probate, which was scheduled for 2-22-05. The outcome of that ruling is unknown.
2. Attorney requests fees of \$4,080. Attorney is billing at a rate of \$300 per hour. The court generally does not approve fees in excess of \$250 per hour. Judge to decide. Attorney has already been paid \$2,865 of these fees from the estate of the minor without prior court approval.
3. Petitioner waives fees.
4. Only other unauthorized expenditure was \$1,000 for a computer for the minor. Judge to decide.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for the next account for 3-6-07, to cover the period of 12-17-04 through 12-16-06. Accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 04/05/05 TIME: 8:30 DEPT: B1P

CASE #: BG BS00370

CASE NAME: ERIK DALE COMPTON

HEARING:

Hearing Re: ACCOUNTING REVIEW.

COUNSEL:

ALBERT DINAPOLI	(PET)...KARL H GRIESBAUM
NICHOLAS DINAPOLI	(PET)...KARL H GRIESBAUM
ERIK DALE COMPTON	(MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner has filed a status report. An accounting in accord with the requirements of Pr.C. § 1060 et seq. is required. Please file a proper accounting.

RECOMMENDATION:

Require petitioner to file a proper accounting.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 04/05/05 TIME: 8:30 DEPT: B1P

CASE #: BG BS00371

CASE NAME: VINCENT COMPTON DINAPOLI

HEARING:

Hearing Re: ACCOUNTING REVIEW.

COUNSEL:

NICHOLAS DINAPOLI (PET)...KARL H GRIESBAUM
VINCENT COMPTON DINAPOLI (MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner has filed a status report. An accounting in accord with the requirements of Pr.C. § 1060 et seq. is required. Please file a proper accounting.

RECOMMENDATION:

Require petitioner to file a proper accounting.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 04/05/05 TIME: 8:30 DEPT: B1P

CASE #: BG BS00401

CASE NAME: BAILEY NALDER, CASEY CARPENTER, JESSICA VAN ALLMAN

HEARING:

Petition for Appointment of Guardian

COUNSEL:

VALERIE ROSS	(PET)...	VALERIE ROSS
BAILEY NALDER	(MIN)...	
CASEY CARPENTER	(MIN)...	
JESSICA VAN ALLMAN	(MIN)...	

GENERAL INFORMATION: Temporary letters issued as to minor Bailey on 10-22-04. Temporary letters denied as to other 2 minors. Continued from 12/14/04 and 2-7-05. Court requested that our Court Investigator contact Court Investigator in Arkansas to do a courtesy interview concerning minors. Per memo from Court Investigator they are still attempting to locate a contract agency in Arkansas to do an investigation. Court issued permanent letters as to Bailey, but continued the matter as to the other 2 children. Mother appeared by phone. Clerk provided Court Investigator with mother's address and phone number. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, minors 13, 10 and 5.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. The court denied the petition as to the 2 older minors due to the fact that the court had insufficient facts to take the minors away from their mother. Court ordered the Court Investigator to contact the Court Investigator in Arkansas to do a courtesy interview concerning the minors. We are awaiting the report.

2. File notice of hearing and proof of mailed service (certified) on mother, father and Casey.
3. File notice of hearing and proof of mailed service on paternal grandparents, maternal grandfather and Court Investigator.
4. Court may wish to review confidential screening form.

RECOMMENDATION:

None.

CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 04/05/05 TIME: 8:30 DEPT: B1P

CASE #: BG BS00407

CASE NAME: MICHAEL LEANDRO ACOSTA

HEARING:
Petition for Appointment of Guardian

COUNSEL:
IRENE MUNOZ (PET)...PRO/PER
THOMAS G MUNOZ (PET)...PRO/PER
MICHAEL LEANDRO ACOSTA (MIN)...

GENERAL INFORMATION: Continued from 2-1-05. Court referred the matter to the Court Investigator. We are awaiting a report. The minor was present at the last hearing. Did the court wish to waive the requirement of personal service on the minor? Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandparents, minor 13.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Mother has signed consent and waiver.
2. File notice of hearing and proof of personal service on minor.
3. U.C.C.J.E.A incomplete. Must be completed for the last 5 years or to date of birth of the minor, whichever is sooner. Here the petitioner merely states "various places". This is too vague. Petitioner should at least be able to provide cities and/or states in which the minor resided.

RECOMMENDATION:
None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 04/05/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00322

CASE NAME: IN THE ESTATE OF DOROTHY NOE

HEARING:

Hearing re: REPORT OF STATUS OF ADMINISTRATION

COUNSEL:

MARY G SHOEMAKER (PET)...JOHN F WEBER
DOROTHY ROSICH (DEC)...
DOROTHY GOMEZ (AKA)...
DOROTHY LARUE SENESCHAL (AKA)...
DOROTHY SENESC NOE (AKA)...
DOROTHY NOE (AKA)...
DOROTHY R NOE (AKA)...
DOROTHY RITA NOE (AKA)...
DEPARTMENT OF HEALTH SERVICES (TP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Statutory fees are \$3,349.79.
2. Department of Health Services claim has been paid.
3. Accounting looks ok.

RECOMMENDATION:

Recommended for approval absent objection. Set hearing for filing of receipts and final discharge order for 5-16-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 04/05/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00582

CASE NAME: JACK C SWAN

HEARING:

Hearing Re: STATUS REPORT/ACCOUNT.

COUNSEL:

SUE E BRUFFETT (PET)...JOHN F WEBER

JACK C SWAN (DEC)...

BUDGET NATIONAL FINANCE COMPAN(ASG)...PRO/PER

BUDGET FINANCE COMPANY (SA)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Estate owes approximately \$19,000 to IRS.
2. Administrator took out loans against her interest in the estate. Those loans will be repaid from the administrator's interest in the estate. Additionally, per agreement the attorney for Budget Finance will be paid \$1,500.
3. Statutory fees are \$4,120.
4. Attorney requests extra-ordinary fees in the amount of \$5,120.
5. There are a number of creditors who have not been paid. The order of priority is listed on page 7 in the petition. See tab.
6. Petitioner requests permission to withhold \$5,000 for additional potential tax liability.
7. Accounting looks ok.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 5-16-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 04/05/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00635

CASE NAME: ROBERT L WILSON

HEARING:
Hearing re Final Discharge

COUNSEL:
GREGORY W WILSON (PET)...DIANA CARLONI NOURSE
ROBERT L WILSON (DEC)...

GENERAL INFORMATION: continued from 7-6-04 and 1-11-05. Matter continued from 1 - 11-05 at requests of counsel. Again continued from 3-8-05. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge order have been filed.

RECOMMENDATION:
None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 04/05/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00782

CASE NAME: ARTHUR JAMES CUNNINGHAM

HEARING:

Hearing re: WVR OF ACCT; REPORT OF ADMIN; ETC

COUNSEL:

WILLIAM M CUNNINGHAM (PET)...JOHN F WEBER
ARTHUR JAMES CUNNINGHAM (DEC)...

GENERAL INFORMATION: No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 04/05/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00796

CASE NAME: LINDA INGEBORG COMPTON

HEARING:

Hearing Re: STATUS REPORT AND/OR ACCOUNTING.

COUNSEL:

NICHOLAS DINAPOLI (PET)...KARL H GRIESBAUM
LINDA INGEBORG COMPTON (DEC)...

GENERAL INFORMATION: No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 04/05/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00865

CASE NAME: GERTRUDE MARIA GALLOWAY

HEARING:

Petition to determine succession to Real Property

COUNSEL:

HELEN GALLOWAY (PET)...JOHN F WEBER
GERTRUDE MARIA GALLOWAY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition appears procedurally complete.

RECOMMENDATION:

Recommended for approval absent objection.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 04/05/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00866

CASE NAME: SUSIE CLINKENBEARD

HEARING:

Petition to determine succession to Real Property

COUNSEL:

WILLIAM CLINKENBEARD	(PET)...	THE HEGNER LAW FIRM
MARY MINTUN	(PET)...	THE HEGNER LAW FIRM
DON CLINKENBEARD	(PET)...	THE HEGNER LAW FIRM
DENNIS CLINKENBEARD	(PET)...	THE HEGNER LAW FIRM
CHERYL MCKINNEY	(PET)...	THE HEGNER LAW FIRM
SUSIE CLINKENBEARD	(DEC)...	

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service.

RECOMMENDATION:

Recommended for approval subject to number 1.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 04/05/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00867

CASE NAME: MARION LEON HUNTER

HEARING:

Petition to determine succession to Real Property

COUNSEL:

JOYCE E BINGHAM (PET)...PRO/PER
MARION LEON HUNTER (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner has filed a consent to this action signed by herself. However, the will indicates that the first nominated executor is Leah F. Beaudin. We do not have a consent from Beaudin. However, as the petitioner has indicated in her petition that no other proceeding is being conducted in this state, a consent is not required. See Pr.C. § 13152(a)(5).
2. Petition appears procedurally complete.

RECOMMENDATION:

Recommended for approval absent objection.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 04/05/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00868

CASE NAME: AUDREY SILVER ALDERMAN

HEARING:

Petition to determine succession to Real Property

COUNSEL:

MICHAEL D SILVER	(PET)...PRO/PER
JOY SILVER	(PET)...PRO/PER
LISA GOESLING	(PET)...PRO/PER
RICHARD B SILVER	(PET)...PRO/PER
DANIEL SILVER	(PET)...PRO/PER
AUDREY SILVER ALDERMAN	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners are the children of the decedent. It is their contention that the will of the decedent left the property to their mother's trust. They are the beneficiaries of the trust and are therefore asking the court to transfer the asset to them. As Article 5 of the will leaves the residue of her estate to the trustee of the Audrey Silver Trust, the petitioner would have to be the trustee of the trust. After the asset is transferred to the trust then the trustee has the powers given under the trust to distribute the asset.

RECOMMENDATION:

Unless the petitioners can provide authority for this form of transfer the petition should be denied without prejudice. Whoever the successor trustee of the trust is should bring a petition under this code section for transfer of the asset to the trust.